



January 26, 2016

HOUSE BILL No. 1005

DIGEST OF HB 1005 (Updated January 25, 2016 1:06 pm - DI 116)

Citations Affected: IC 20-20; IC 20-28; IC 20-29.

Synopsis: Career pathways program. Establishes the career pathways and mentorship program to provide supplemental pay for classroom teachers who demonstrate effectiveness in their work and take on additional responsibilities in advanced roles. Provides that, for the first two full school years that a teacher provides instruction to students in elementary school or high school, the teacher is not prohibited from receiving a raise or increment for the following year if the teacher receives a rating of ineffective or improvement necessary. Provides that, if a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two full school years. Establishes the system for teacher and student advancement grant fund and program to assist school corporation transition to the System for Teacher and Student Advancement (TAP) teacher performance model program or a similar program. Provides the program is administered by the state board of education in consultation with the department of education.

Effective: July 1, 2016.

DeVon, McNamara, Cook

January 13, 2016, read first time and referred to Committee on Education.
January 25, 2016, amended, reported — Do Pass.

HB 1005—LS 7063/DI 116



January 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1005

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-20-42 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 42. Career Pathways and Mentorship Program**

5 **Sec. 1. As used in this chapter, "career pathway teacher" means**
6 **a qualified teacher participating in a school corporation's**
7 **program.**

8 **Sec. 2. As used in this chapter, "program" refers to the career**
9 **pathways and mentorship program established by section 4 of this**
10 **chapter.**

11 **Sec. 3. As used in this chapter, "qualified teacher" refers to a**
12 **teacher who:**

13 **(1) is rated as effective or highly effective in the teacher's most**
14 **recent annual performance evaluation in a plan established**
15 **under IC 20-28-11.5-4; and**

16 **(2) works in the classroom providing instruction and who is**
17 **not instructional support personnel.**

HB 1005—LS 7063/DI 116



1 **Sec. 4. (a) The career pathways and mentorship program is**
 2 **established. The program is established to provide for, in addition**
 3 **to base salary and other applicable supplements, differentiated pay**
 4 **for qualified teachers based on a qualified teacher's demonstrated**
 5 **effectiveness and additional responsibilities in advanced roles.**
 6 **Differentiated pay made in accordance with a program approved**
 7 **by the state board under this chapter may not be collectively**
 8 **bargained. However, a discussion of the plan used as a basis for the**
 9 **program must be held under IC 20-29-6-7.**

10 **(b) The state board, in consultation with, and with assistance as**
 11 **necessary from, the department, shall administer the program.**

12 **Sec. 5. (a) A governing body may apply to the state board to**
 13 **participate in the program by submitting to the state board in a**
 14 **manner prescribed by the state board a proposed plan approved by**
 15 **the governing body that is developed by two (2) or more teachers**
 16 **and:**

- 17 **(1) a principal;**
- 18 **(2) a superintendent; or**
- 19 **(3) any combination of individuals described in either**
 20 **subdivision (1) or (2);**

21 **who are currently employed by the school corporation.**

22 **(b) The proposed plan must focus on the leadership capacity and**
 23 **commitment of the school corporation to develop career pathways**
 24 **and mentoring. In considering whether to approve a plan**
 25 **submitted, the state board, in consultation with, and with**
 26 **assistance as necessary from, the department, shall consider the**
 27 **following:**

- 28 **(1) Whether the plan increases salaries of career pathway**
 29 **teachers.**
- 30 **(2) Whether the plan improves overall teacher job**
 31 **development, leadership, or leadership design.**
- 32 **(3) Whether the plan improves the quality of classroom**
 33 **instruction.**
- 34 **(4) Whether the governing body's compensation plan works**
 35 **in conjunction with the plan's proposed program to improve**
 36 **the quality of classroom instruction.**
- 37 **(5) Whether the plan increases the attractiveness of teaching.**
- 38 **(6) Whether the plan offers structured induction and**
 39 **mentorship for newer teachers.**
- 40 **(7) Whether the plan encourages the recognition,**
 41 **effectiveness, and retention of high quality teachers,**
 42 **particularly in using high quality teachers in roles that**



1 maximize a high quality teacher's instructional influence and
2 expertise with:

- 3 (A) mentored teachers;
4 (B) a team of teachers; or
5 (C) students.

6 (8) Whether the plan is financially sustainable.

7 (c) A career pathways plan submitted under subsection (a) must
8 enable qualified teachers to progress within their careers and
9 become career pathway teachers by doing any of the following:

- 10 (1) Being assigned additional duties that include
11 accountability for student growth across a team of teachers.
12 (2) Being assigned additional duties in developing curricula
13 and instructional training across a team of teachers.
14 (3) Being assigned additional duties that include
15 accountability as the teacher of record for more students.
16 (4) Being assigned additional duties in mentoring newer
17 teachers.

18 (d) A career pathways plan submitted under subsection (a) must
19 ensure that a career pathway teacher is afforded protected time for
20 teaching.

21 (e) If a governing body includes a mentoring program in its
22 proposed plan, the plan must focus on establishing a structured
23 induction and mentorship program for newer teachers. If a
24 structured induction and mentorship program is established under
25 this chapter, a mentored teacher may not be paid less than a
26 teacher with the same years of experience in accordance with the
27 school corporation's salary schedule. Except as otherwise provided
28 in this chapter, a mentored teacher has the same rights under
29 IC 20-28 and IC 20-29 as a teacher that does not participate in a
30 program established under this chapter.

31 Sec. 6. If a school corporation establishes a structured induction
32 and mentorship program under this chapter, the school
33 corporation may enter into an agreement with a postsecondary
34 educational institution to authorize the postsecondary educational
35 institution to collaborate in the consideration and approval of a
36 mentor to a newer teacher who attended the postsecondary
37 educational institution.

38 Sec. 7. A plan submitted under section 5 of this chapter must
39 include a means for the school corporation and the state board, in
40 consultation with, and with assistance as necessary from, the
41 department, to measure the success of a program. The plan must
42 include measures that demonstrate the program's improvement



with regard to:

- (1) student growth;
- (2) teacher retention;
- (3) time management; and
- (4) leadership or mentorship program design.

Sec. 8. The state board, in consultation with, and with assistance as necessary from, the department, may require periodic reports from a school corporation to monitor the success of a program using the measures included in a plan under section 5 of this chapter.

Sec. 9. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 20-20-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 43. System for Teacher and Student Advancement Grant Fund and Program

Sec. 1. As used in this chapter, "fund" refers to the system for teacher and student advancement grant fund established in section 3 of this chapter.

Sec. 2. As used in this chapter, "program" refers to the system for teacher and student advancement grant program established by section 4 of this chapter.

Sec. 3. (a) The system for teacher and student advancement grant fund is established for the purpose of providing grants to school corporations to implement programs described in section 4 of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Gifts, grants, devises, or bequests made to the commission for higher education to achieve the purposes of the fund.

(c) The state board, in consultation with the department, shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purpose of this chapter.



1 **Sec. 4. (a) After June 30, 2017, a school corporation may receive**
 2 **a grant to implement the System for Teacher and Student**
 3 **Advancement (TAP) teacher performance model program or a**
 4 **teacher performance model program that includes the**
 5 **implementation of all the following elements:**

- 6 (1) Multiple career paths.
 7 (2) Ongoing applied professional growth.
 8 (3) Instruction focused accountability.
 9 (4) Performance based compensation.

10 **(b) To receive a grant, a school corporation shall apply for the**
 11 **grant in a manner prescribed by the state board in consultation**
 12 **with the department. The state board shall establish eligibility**
 13 **requirements. The amount of the grant may not exceed the costs**
 14 **incurred by the school corporation to implement the program. A**
 15 **school corporation may receive a matching grant from a**
 16 **corporation, foundation, or any other entity in addition to a grant**
 17 **awarded under this chapter.**

18 SECTION 3. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015,
 19 SECTION 179, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This subsection governs
 21 salary increases for a teacher employed by a school corporation.
 22 Compensation attributable to additional degrees or graduate credits
 23 earned before the effective date of a local compensation plan created
 24 under this chapter before July 1, 2015, shall continue for school years
 25 beginning after June 30, 2015. Compensation attributable to additional
 26 degrees for which a teacher has started course work before July 1,
 27 2011, and completed course work before September 2, 2014, shall also
 28 continue for school years beginning after June 30, 2015. For school
 29 years beginning after June 30, 2015, a school corporation may provide
 30 a supplemental payment to a teacher in excess of the salary specified
 31 in the school corporation's compensation plan if the teacher has earned
 32 a master's degree from an accredited postsecondary educational
 33 institution in a content area directly related to the subject matter of:

- 34 (1) a dual credit course; or
 35 (2) another course;

36 taught by the teacher. In addition, a supplemental payment may be
 37 made to an elementary school teacher who earns a master's degree in
 38 math or reading and literacy. A supplement provided under this
 39 subsection is not subject to collective bargaining, but a discussion of
 40 the supplement must be held. Such a supplement is in addition to any
 41 increase permitted under subsection (b).

42 (b) Increases or increments in a local salary range must be based



- 1 upon a combination of the following factors:
- 2 (1) A combination of the following factors taken together may
- 3 account for not more than thirty-three percent (33%) of the
- 4 calculation used to determine a teacher's increase or increment:
- 5 (A) The number of years of a teacher's experience.
- 6 (B) The attainment of either:
- 7 (i) additional content area degrees beyond the requirements
- 8 for employment; or
- 9 (ii) additional content area degrees and credit hours beyond
- 10 the requirements for employment, if required under an
- 11 agreement bargained under IC 20-29.
- 12 (2) The results of an evaluation conducted under IC 20-28-11.5.
- 13 (3) The assignment of instructional leadership roles, including the
- 14 responsibility for conducting evaluations under IC 20-28-11.5.
- 15 (4) The academic needs of students in the school corporation.
- 16 (c) **Except as provided in subsection (d),** a teacher rated
- 17 ineffective or improvement necessary under IC 20-28-11.5 may not
- 18 receive any raise or increment for the following year if the teacher's
- 19 employment contract is continued. The amount that would otherwise
- 20 have been allocated for the salary increase of teachers rated ineffective
- 21 or improvement necessary shall be allocated for compensation of all
- 22 teachers rated effective and highly effective based on the criteria in
- 23 subsection (b).
- 24 **(d) Subsection (c) does not apply to a teacher in the first two (2)**
- 25 **full school years that the teacher provides instruction to students**
- 26 **in elementary school or high school. If a teacher provides**
- 27 **instruction to students in elementary school or high school in**
- 28 **another state, any full school year, or its equivalent in the other**
- 29 **state, that the teacher provides instruction counts toward the two**
- 30 **(2) full school years under this subsection.**
- 31 ~~(d)~~ (e) A teacher who does not receive a raise or increment under
- 32 subsection (c) may file a request with the superintendent or
- 33 superintendent's designee not later than five (5) days after receiving
- 34 notice that the teacher received a rating of ineffective. The teacher is
- 35 entitled to a private conference with the superintendent or
- 36 superintendent's designee.
- 37 ~~(e)~~ (f) The department shall publish a model compensation plan
- 38 with a model salary range that a school corporation may adopt. Before
- 39 July 1, 2015, the department may modify the model compensation plan,
- 40 as needed, to comply with subsection ~~(f)~~ (g).
- 41 ~~(f)~~ (g) Each school corporation shall submit its local compensation
- 42 plan to the department. For a school year beginning after June 30,



2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g)~~ **(h)** The department shall report any noncompliance with this section to the state board.

~~(h)~~ **(i)** The state board shall take appropriate action to ensure compliance with this section.

~~(i)~~ **(j)** This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j)~~ **(k)** After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 4. IC 20-29-6-7, AS AMENDED BY P.L.213-2015, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A school employer shall discuss with the exclusive representative of certificated employees the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
- (10) Hours.
- (11) Funding for a plan for a remediation program for any subset of students enrolled in kindergarten through grade 12.
- (12) The following nonbargainable items under IC 20-43-10-3:
 - (A) Performance grants.
 - (B) Individual performance stipends to teachers.
 - (C) Additions to base salary based on performance stipends.
- (13) The pre-evaluation planning session required under IC 20-28-11.5-4.
- (14) The superintendent's report to the governing body concerning staff performance evaluations required under IC 20-28-11.5-9.



- 1 **(15) A career pathways and mentorship plan established**
2 **under IC 20-20-42.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "board" insert **", in consultation with, and with assistance as necessary from, the department,"**.

Page 2, line 24, after "board" insert **", in consultation with, and with assistance as necessary from, the department,"**.

Page 3, line 36, after "board" insert **", in consultation with, and with assistance as necessary from, the department,"**.

Page 4, line 1, after "board" insert **", in consultation with, and with assistance as necessary from, the department,"**.

Page 4, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 4. IC 20-20-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

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(1) Appropriations made by the general assembly.

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(c) The state board, in consultation with the department, shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not



revert to the state general fund but remains available to be used for the purpose of this chapter.

Sec. 4. (a) After June 30, 2017, a school corporation may receive a grant to implement the System for Teacher and Student Advancement (TAP) teacher performance model program or a teacher performance model program that includes the implementation of all the following elements:

- (1) Multiple career paths.**
- (2) Ongoing applied professional growth.**
- (3) Instruction focused accountability.**
- (4) Performance based compensation.**

(b) To receive a grant, a school corporation shall apply for the grant in a manner prescribed by the state board in consultation with the department. The state board shall establish eligibility requirements. The amount of the grant may not exceed the costs incurred by the school corporation to implement the program. A school corporation may receive a matching grant from a corporation, foundation, or any other entity in addition to a grant awarded under this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 2.

